



Focus on Reporting hazardous material spills under Washington's *Dangerous Waste Regulations*

From Ecology's Hazardous Waste and Toxics Reduction Program

Purpose and Introduction

The *Dangerous Waste Regulations*, Washington Administrative Code 173-303-145, require that Ecology or other appropriate agency be notified immediately when there is a spill and discharge of a dangerous waste or hazardous substance that enters into the environment and poses a threat to human health or the environment. The purpose of this Focus sheet is to update guidance Ecology has previously written on this topic. In addition to outlining spill reporting requirements, we will explain Ecology's views on the factors that a person should consider when making a decision to report a spill.

NOTE: Call 911 first if you feel the spill incident is an emergency situation. This will activate local police, fire or medical responders.

The need to report spills or discharges is a common requirement of many water, air, waste, and hazardous materials regulations. Unfortunately, the thresholds for reporting are not the same for each program (example, the *Dangerous Waste Regulations* say to report *regardless of quantity* while the Federal CERCLA regulations say to report only if quantities spilled exceed "*reportable quantity*" thresholds for listed chemicals or compounds). For materials classified as dangerous wastes or hazardous substances, please follow the *Dangerous Waste Regulations* and guidance provided below unless other spill reporting procedures are authorized by Ecology in a permit, written or verbal directive.

Why report a spill?

Timely reporting a spill that involves a dangerous waste or hazardous substance will:

- Alert agencies that may need to respond with equipment and personnel, or provide expertise, assistance and direction needed to protect employees, the public and the environment. Examples of these agencies include fire, police, Ecology, National Response Center, spill response contractors, etc.
- Keep you in compliance with the *Dangerous Waste Regulations*.

Ecology has trained response personnel that provide around the clock assistance and direction either over the telephone or on-scene. Ecology's main role is to assure that environmental resources and public health are protected during spill incidents and cleanup actions. Ecology may also provide technical assistance, conduct investigations, and pursue appropriate compliance and enforcement actions.

Examples of information and assistance that Ecology may provide to the party responsible for a spill, fire or police personnel on scene, or contractors include:

- the hazards of the materials involved,
- sensitive resources that may be affected,
- steps to take to control and contain the spill,
- response contractors that may be hired, and
- procedures and standards for cleaning up the spilled material and contaminated area.

Obligation to mitigate and control a spill of a dangerous waste or hazardous substance

The person or company responsible for the spill (responsible party) is required to take actions to stop or control a spill and cleanup released materials (WAC 173-303-145(3)). Actions to stop or control a spill may include shutting (closing) valves or up-righting overturned drums. These actions, however, should be taken only when they do not present a danger to the spiller or other workers.

Once the spill has been controlled, the responsible party is obligated to clean up and decontaminate the affected site, as well as properly manage and dispose of the recovered dangerous wastes or hazardous substances. Qualified spill contractors may be retained by the responsible parties for containment, recovery and disposal actions under the supervision of an environmental regulatory agency like Ecology.

When is reporting required under the *Dangerous Waste Regulations*?

WAC 173-303-145(1) and (2) require that a spill or discharge needs to be immediately reported – regardless of the quantity involved – when all of the following three conditions exist:

1. The material spilled is classified as a dangerous waste or hazardous substance;
2. The spill results in a release to the environment; and
3. The spill causes a threat to the environment or to human health.

How do I know if I have a dangerous waste or hazardous substance?

The *Dangerous Waste Regulations* provide definitions and procedures for identifying dangerous wastes and hazardous substances. Thousands of different

materials used in business, industry and the home may be hazardous to human health or the environment because they have flammable, corrosive, reactive or toxic properties. These materials can seriously degrade soils, water or air. They can also cause injury or death to people, animals or plants.

Dangerous wastes and hazardous substances include materials that are:

<u>Description</u>	<u>Example</u>
Flammable	spent solvents
Corrosive	sulfuric acid
Reactive	flares
Toxic	lead
Persistent	PCBs

When kept in proper containers and handled by people with appropriate safety training and equipment, hazardous materials present few threats. By definition, however, a spill or discharge means that a material has gotten somewhere it was not intended to be.

Information about the hazards posed by particular products can be obtained from a variety of sources such as container labels and markings, material safety data sheets (MSDS), shipping papers or manifests, or manufacturer descriptions. Quite a lot of information is now available on the Internet, including the Emergency Response Guide published by the US Dept. of Transportation (see <http://emc.wa.gov/5-prep/trng/hazmat-pubs.htm>).

What is a release to the environment?

Ecology's rules do not define a 'release to the environment.' Materials are generally determined to have entered the environment when they contact bare soil, surface or ground water, or evaporate into the air.

A small spill inside of a building or concrete containment is usually not considered a spill into the environment. Such spills usually do not trigger reporting requirements. They would need to be reported, however, if they escape the confining area through a doorway, crack, joint or drain. They should also be reported if workers are exposed and they require medical attention.

When does a spill cause a threat to human health or the environment?

Ecology rules also do not define when a threat exists. The determination of when a spill represents a threat to human health or the environment depends on the characteristics of the material spilled, the quantity released, and the types of natural resources that may be affected. As a rule of thumb, a threat exists when the material spilled is a dangerous waste or hazardous substance and results in:

- anyone, as a result of exposure, either seeking or requiring medical attention or examination;
- the material entering a body of water. Streams, lakes, rivers and ponds are obvious types of surface water. Storm drains and ditches are also considered surface water;
- fish, wildlife or domestic animals becoming stressed, ill, injured or killed as a result of exposure to the spilled material;
- a spill to bare soils or vegetation;
- the spill involving a release to the air in sufficient quantity or concentration to present harm to people, animals or plants.

Do small spills need to be reported?

The *Dangerous Waste Regulations* require reporting, regardless of quantity, when the conditions outlined above exist, i.e., the spilled substance is a dangerous waste or hazardous substance, it has been released into the environment, and is a threat to human health or the environment.

A common misconception is that reportable quantities used by the federal Superfund program apply to spills of dangerous wastes or hazardous substances. This is not the case.

How soon following the discovery of a spill do I have to report it?

The *Dangerous Waste Regulations* require immediate reporting when the conditions exist that trigger reporting requirements (see WAC 173-303-145(2)). As a practical matter, however, the person responsible for a spill should take common sense steps

to control a spill before reporting the spill. Ecology normally considers it timely to receive notification within one hour of the spill's discovery.

What information should I provide when reporting a spill?

It is suggested to have the following information readily available:

- responsible party's name, company name, phone number(s) and address
- location of the spill (address, mile post or river mile, for example)
- type of material(s) involved and estimate of quantity released
- time the incident started
- cause of the spill, and current status at the source (stopped, controlled, on-going)
- people or resources affected
- other agencies or contractors notified (local 911, fire, police, air pollution control agency, US Coast Guard or US Environmental Protection Agency, for example).

Subsequent conversations with Ecology or other responding agencies will involve detailed plans for control, cleanup and disposal of contaminated materials.

Who should receive the report of a dangerous-waste or a hazardous-substance spill?

The following telephone numbers are maintained 24 hours a day, seven days a week, including weekends and holidays:

Local Police, Fire, Rescue - 911:

If the spill is an emergency – call 911 immediately.

Washington Department of Emergency Management (EMD) - (800) 258-5990

They will immediately contact the duty officer for Ecology's Spill Response Team. Depending on the circumstances, WDEM will also notify local emergency management departments, local air authorities and state natural-resource agencies.

National Response Center (NRC) 1-800-424-8802

Spill Response Contractors. Many businesses and government facilities have arrangements with specific spill response contractors. If this is the case, contact your contractor as soon as possible to get them mobilized and prepared to respond to the spill incident. Ecology maintains a list of contractors with 24 hour response capability that you may hire. Contact Ecology Spill Response staff for a current list of contractors.

Ecology Regional Offices

Each regional office has a 24 hour number that when called, transfers to the Washington Department of Emergency Management.



If you need this information in an alternate format, please call the Hazardous Waste and Toxics Reduction Program at (360) 407-6700. If you are a person with a speech or hearing impairment, call 711 or (800) 833-6388 for TTY.